UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

FRIENDS OF THE EARTH, INC., et al.,)	
Plaintiffs, v.)	
)	
GASTON COPPER RECYCLING)	Civil No. 3:92-2574-O
CORPORATION, Defendant.)	
)	

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT THAT THEY HAVE STANDING TO CONTINUE THIS ACTION

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, plaintiffs Citizens Local Environmental Action Network, Inc. (CLEAN) and Friends of the Earth (FOE) hereby move for summary judgment that they have standing to continue this action against Gaston Copper Recycling Corporation ("Gaston"), consistent with the decision issued by U.S. Court of Appeals for the Fourth Circuit on February 7, 2008. Plaintiffs move the court to make the following factual findings in support of this judgment:

- 1) CLEAN and FOE member Guy Jones uses the area at the confluence of Bull Swamp Creek and the Edisto River.
- 2) Pollutants discharged by Gaston travel on the Edisto River for at least 105 miles downstream of the confluence of Bull Swamp Creek and the Edisto River.
- 3) CLEAN and FOE member Guy Jones and FOE member William Anderson both use the area downstream of the confluence of Bull Swamp Creek and the Edisto River that is affected by Gaston's pollution.

A memorandum of law and proposed order accompany this motion.

Respectfully submitted,

/s/ Kathleen L. Millian

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